THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No.6607 of 2007

Dated:02-04-2007

Between:-

Lade Lakshmana Murthy and another.

..Petitioners

And

The Deputy Tahasildar (Civil Supplies),
Revenue Divisional Office, Srikakulam and another.

..Respondents.

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:O R D E R:

Both the petitioners submit that they are the agriculturists and owners of certain extents of lands situated at Voppangi village and Arasavalli village, Srikakulam mandal and district. It is stated that the stocks of black gram and green gram have been seized from the rice mill of Ms. Ladi Sailaja, owner of Sri Lakshmi Ganapathi, Sachidananda Modern Rice Mill, Voppangi village. Pursuant to the seizure report by the Deputy Tahasildar, Civil Supplies, R.D.O's Office, Srikakulam dated 08-03-2007, the Joint Collector, Srikakulam issued a show cause notice dated 24-03-2007 under Section 6B of the Essential Commodities Act, 1955 (for short 'the Act')

to Ms. Ladi Sailaja, owner of Sri Laxmiganapathi Sachidananda Modern Rice Mill, Voppangi village as to why the seized stocks should not be confiscated to the Government.

It is stated that prior to the show cause notice dated 24-03-2008, the petitioners have filed a claim petition dated 12-03-2007 before the second respondent claiming that they are the owners of the seized pulses being the cultivators and requested to release the seized pulses in their favour. It is stated that even when the claim petition is pending, confiscation proceedings are initiated and no notice has been issued to the petitioners. It is further stated that even before the claim petition is enquired into, the seized pulses are going to be disposed of. There is nothing on record that goes to show that the respondents have taken action to dispose of the seized pulses despite the fact that even before disposing of the claim petition and passing of final orders. I am of the opinion that when the petitioners have also filed claim petition even before show cause notice is issued, it is just and proper to direct the second respondent to give a reasonable opportunity to the petitioners to substantiate their claim as to whether they are owners of seized stocks or not.

Having regard to the facts and circumstances of the case, the petitioners are permitted to submit their explanation to the show cause notice dated 24-03-2007 within a week from the date of receipt of a copy of this

order; and if any explanation is submitted by the petitioners to the show cause notice, the second respondent shall consider the explanation to be submitted by the petitioners as well as the claim petition and pass appropriate orders in accordance with law. If any claim petition dated 12-03-2007 is filed, as alleged by the petitioners seeking release of the seized stocks in their favour, the respondents are directed to consider and dispose of the same. Till then, the seized pulses shall not be disposed of. No costs.

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V. ESWARAIAH, J

Dated: 02-04-2007.
Pvks/*

Nb: Furnish c.c. in two days.
B/o pvks/*